



DEPARTMENT OF THE NAVY

PORTSMOUTH NAVAL SHIPYARD
PORTSMOUTH, N. H. 03804-5000

IN REPLY REFER TO:

5720
Ser 100L/046

Rex J. Moats, Esq.
Moats Law Firm, PC, LLO
PO Box 307
Elkhorn, NE 68022

SUBJ: FREEDOM OF INFORMATION ACT NUMBER DON-NAVY-2017-000207

Attorney Moats,

In your letter dated September 22, 2016 to the Commander, Navy Region Mid-Atlantic, you requested documents regarding Navy contract award number N3904015P0118 and its connection with Xion Construction, LLC, USA Construction Company, Inc. and Mr. Mohsen Nirooomand-Rad. Upon receipt of your letter, I entered your request into the Navy's Freedom of Information (FOIA) database and assigned FOIA Case Number DON-NAVY-2017-000207 to your request. On November 11, 2016 I acknowledged your request by email.

I have located documents that are responsive to your request. The responsive documents are:

Contact Number N39040-15-P-O 118
Email dated November 4, 2016
Xion Construction, LLC letter dated May 22, 2015
Contract Modification W912CN-11-P-0151, Amendment P00001
Contract Modification W91237-12-P-0224, Amendment P00001

I have processed your request under the Freedom of Information Act.¹ Further, I have redacted all personally identifiable information (PII) that relates to any third party from the documents that I am providing to you. The redacted PII is exempt from disclosure pursuant to Exemption 6 of the FOIA.²

This is a final response to your FOIA request. I considered your Request pursuant to 5 U.S.C. §§ 552a, *et seq.*, as amended; 5 U.S.C. §§ 552, *et seq.*, as amended; and Secretary of the Navy Instruction 5720.42F. I am the official responsible for the decision to withhold the PII as set forth above.

¹ 5 U.S.C. §§ 552, *et seq.*

² 5 U.S.C. §§ 552(b)(6)

You may submit a written administrative appeal of my decision to:

Office of the General Counsel
Department of Navy
1000 Navy Pentagon
Washington, DC 20350

Your appeal must have a copy of this letter enclosed and must be received by the General Counsel within 60 calendar days from the date of this letter. Please add the words "Freedom of Information Act Appeal" to both your administrative appeal and to the envelope. Send a copy of your letter to:

Commander
Naval Sea Systems Command (SEA COS5)
1333 Isaac Hull Avenue SE Stop 1021
Washington Navy Yard, DC 20376-1021

The charges for processing your request have been reviewed and you have not been assessed any fees or costs. The decision whether to assess fees and costs are taken on a case by case basis. The decision regarding fees and costs in this case is no indication as to how a future request will be administered.

If you have any questions regarding the foregoing, please contact Mr. Scott W. Flood, at telephone (207) 438-1752 or via email at scott.w.flood@navy.mil, citing the FOIA case number DON-NAVY-2017-000207.

D. S. HUNT
Captain, USN
Shipyard Commander

Enclosures: Contact Number N39040-15-P-O 118
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